

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------------|---|-----------------------------|
| TELCORDIA TECHNOLOGIES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-874 GMS |
| |) | |
| ALCATEL USA, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| TELCORDIA TECHNOLOGIES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-875 GMS |
| |) | |
| LUCENT TECHNOLOGIES, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| TELCORDIA TECHNOLOGIES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-876 GMS |
| |) | |
| CISCO SYSTEMS, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

WHEREAS, on July 16, 2004, the plaintiff, Telcordia Technologies, Inc. (“Telcordia”), filed the above-captioned patent infringement actions against Alcatel USA, Inc. (“Alcatel”), Lucent Technologies, Inc. (“Lucent”), and Cisco Systems, Inc. (“Cisco”) (collectively, the “defendants”);

WHEREAS, on February 17, 2006, the parties submitted a Final Joint Claim Chart (the “Chart”) (D.I. 98);

WHEREAS, upon inspection of the Chart, the court has discovered that many of the defendants’ proposed constructions for U.S. Patent Nos. Re. 36,633 and 4,835,763¹ are not constructions but, rather, arguments that the claim limitations at issue are indefinite for failure to satisfy the requirements of 35 U.S.C. § 112(2); and

WHEREAS, the court does not permit summary judgment arguments, including indefiniteness arguments, during the claim construction phase of the litigation;

IT IS HEREBY ORDERED that:

1. The court will not entertain indefiniteness arguments during the *Markman* Claim Construction hearing.
2. The defendants shall prepare their arguments consistent with this Order.

Dated: April 21, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE

¹ Telcordia’s action against Alcatel does not include U.S. Patent No. 4,835,763.